

REMARKS

In response to the Office Action mailed January 21, 2004, the Applicant respectfully requests that the Examiner enter the above amendments and consider the following remarks. Claim 1 has been amended to more clearly describe the invention, and new claims 6-20 have been added. As a result, claims 1-20 are pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the amendments and accompanying remarks.

Rejection of Claims 1 and 5 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1 and 5 under 35 U.S.C. § 102(b) as being anticipated by Gibson. The Applicant respectfully traverses the rejection.

The Examiner has maintained the assertion that wire F of Gibson forms a loop around the rails and pickets to hold the rails and pickets together. However, referring to Figure 3 of Gibson, it is shown that the wire F does not extend from a first rail to a second rail and then back to the first rail to form a loop that holds the rails and pickets together. Instead, the wire F extends from one rail to the next without doubling back to the rail from which it started.

The Applicant has amended claim 1 to more clearly describe the present invention. In particular, the Applicant has amended claim 1 to more clearly describe that a loop extends from a first rail to a second rail and back to the first rail, thereby wrapping entirely around the rails and holding the fence section together. Gibson does

App. No. 10/062,167
Amendment mailed February 18, 2004
Re: Office Action mailed January 21, 2004

not teach claim 1 as amended. Therefore, the Applicant respectfully submits that Gibson cannot support the rejection of claims 1 and 5 under 35 U.S.C. § 102(b).

Rejection of Claims 2-4 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 2-4 under 35 U.S.C. § 103(a) as being obvious over Gibson in view of Lawrence. The Applicant respectfully traverses the rejection. Claims 2-4 depend from claim 1. With regard to claim 1, Lawrence does not overcome the aforementioned lack of teaching or motivation provided by Gibson. Therefore, the Applicant respectfully submits that Gibson in view of Lawrence cannot support the rejection of claims 2-4 under 35 U.S.C. § 103(a).

New Claims

The Applicant has added new claims 6-20, which are also distinguished over the cited references for similar reasons.

App. No. 10/062,167
Amendment mailed February 18, 2004
Re: Office Action mailed January 21, 2004

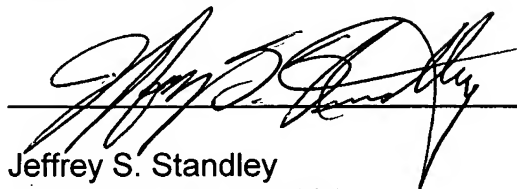
Conclusion

The Applicant has distinguished claims 1-20 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Date: _____

2/18/04

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey S. Standley", is written over a horizontal line.

Jeffrey S. Standley
Registration No. 34,021
Standley Law Group LLP
495 Metro Place South
Suite 210
Dublin, Ohio 43017-5319
Telephone: (614) 792-5555
Fax: (614) 792-5536
E-mail: jstandley@standleyllp.com